

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ethan Waterman	Team: Squad #10	CCRB Case #: 202003636	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/14/2020 11:45 PM, Sunday, 03/15/2020 12:00 AM	Location of Incident: In front of § 87(2)(b) in Brooklyn; 79th Precinct stationhouse in Brooklyn	Precinct: 79	18 Mo. SOL 9/14/2021	EO SOL 5/1/2022	
Date/Time CV Reported Thu, 05/28/2020 2:05 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/29/2020 10:36 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Zweifler	14406	961483	079 PCT
2. POM Antonio Zorrilla	10893	961480	NARCBBN
3. LT Henry Daverin	00000	945645	094 PCT
4. SGT Frederick Manney	04797	949938	090 PCT
5. POM Daniel McDermott	17844	960910	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Patrick Reilly	16493	957993	079 DET

Officer(s)	Allegation	Investigator Recommendation
A.LT Henry Daverin	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin stopped individuals.	
B.LT Henry Daverin	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin stopped § 87(2)(b)	
C.LT Henry Daverin	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin interfered with § 87(2)(b)'s use of a recording device.	
D.POM Antonio Zorrilla	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Antonio Zorrilla interfered with § 87(2)(b)'s use of a recording device.	
E.POM Michael Zweifler	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler interfered with § 87(2)(b)'s use of a recording device.	
F.LT Henry Daverin	Force: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.POM Antonio Zorrilla	Force: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Antonio Zorrilla used physical force against § 87(2)(b)	
H.POM Michael Zweifler	Force: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler used physical force against § 87(2)(b)	
I.POM Antonio Zorrilla	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Antonio Zorrilla searched an individual.	
J.POM Michael Zweifler	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler refused to provide his name to § 87(2)(b)	
K.POM Michael Zweifler	Force: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler used physical force against § 87(2)(b)	
L.LT Henry Daverin	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin searched the vehicle in which § 87(2)(b) and individuals were occupants.	
M.SGT Frederick Manney	Abuse: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Sergeant Frederick Manney threatened an individual with the use of force.	
N.LT Henry Daverin	Discourtesy: On March 15, 2020, at the 79th Precinct stationhouse, Lieutenant Henry Daverin spoke discourteously to § 87(2)(b)	
O.SGT Frederick Manney	Discourtesy: On March 15, 2020, at the 79th Precinct stationhouse, Sergeant Frederick Manney spoke discourteously to § 87(2)(b)	
P.SGT Frederick Manney	Abuse: On March 15, 2020, at the 79th Precinct stationhouse, Sergeant Frederick Manney threatened § 87(2)(b) with the use of force.	
Q.POM Daniel McDermott	Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Daniel McDermott used physical force against § 87(2)(b)	
R.POM Antonio Zorrilla	Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Antonio Zorrilla used physical force against § 87(2)(b)	
S.POM Michael Zweifler	Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Michael Zweifler used physical force against § 87(2)(b)	
T.POM Daniel McDermott	Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Daniel McDermott used physical force against § 87(2)(b)	
U.POM Antonio Zorrilla	Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Antonio Zorrilla used physical force against § 87(2)(b)	
V.POM Michael Zweifler	Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Michael Zweifler used physical force against § 87(2)(b)	
W.POM Daniel McDermott	Discourtesy: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Daniel McDermott spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
X.POM Michael Zweifler	Abuse: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Michael Zweifler damaged § 87(2)(b)s property.	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	

Case Summary

On May 28, 2020, § 87(2)(b) called the CCRB and submitted this complaint as a reporting non-witness on behalf of § 87(2)(b).

On March 14, 2020, at approximately 11:45 p.m., § 87(2)(b) stood in front of § 87(2)(b) in Brooklyn. § 87(2)(b) stood outside a vehicle whose occupants included § 87(2)(b) and other unknown individuals. Lieutenant Henry Daverin of the 79th Precinct, who was with Police Officer Antonio Zorrilla of the 79th Precinct and Police Officer Michael Zweifler of the 79th Precinct, stopped the occupants of the vehicle (**Allegations A and B, Abuse of Authority: Stop, § 87(2)(g)**). Lieutenant Daverin, PO Zorrilla, and PO Zweifler arrested § 87(2)(b) and in doing so interfered with his recording the incident (**Allegations C, D, and E, Abuse of Authority: Interference with Recording, § 87(2)(g)**). In handcuffing § 87(2)(b) Lieutenant Daverin, PO Zorrilla, and PO Zweifler grabbed § 87(2)(b) hands and arms and pulled them behind his back (**Allegations F, G, and H, Force: Physical Force, § 87(2)(g)**). PO Zorrilla searched the driver of the stopped vehicle (**Allegation I, Abuse of Authority: Search (of person), § 87(2)(g)**). PO Zweifler, when placing § 87(2)(b) inside an unmarked vehicle, failed to provide his name to § 87(2)(b) and pushed § 87(2)(b) feet inside the car (**Allegation J, Abuse of Authority: Refusal to Provide Name, § 87(2)(g)**) (**Allegation K, Force: Physical Force, § 87(2)(g)**). Lieutenant Daverin oversaw the search of the stopped vehicle (**Allegation L, Abuse of Authority: Vehicle Search, § 87(2)(g)**). Sergeant Frederick Manney of the 79th Precinct approached § 87(2)(b) who was yelling at the officers and invited him to fight (**Allegation M, Abuse of Authority: Threat of Force, § 87(2)(g)**).

On March 15, 2020, at approximately 12:00 a.m., at the 79th Precinct stationhouse, Lieutenant Daverin said to § 87(2)(b) “You want to do this shit all fucking night?” (**Allegation N, Discourtesy: Word, § 87(2)(g)**). Sgt. Manney spoke discourteously to § 87(2)(b) (**Allegation O, Discourtesy: Word, § 87(2)(g)**). Sgt. Manney threatened § 87(2)(b) with the use of force (**Allegation P, Abuse of Authority: Threat of Force, § 87(2)(g)**). Police Officer Daniel McDermott of the 79th Precinct, along with PO Zorrilla and PO Zweifler, allegedly kicked and punched § 87(2)(b) and caused him to fall to the ground (**Allegations Q and T, Force: Physical Force, § 87(2)(g)**) (**Allegations R, S, U and V, Force: Physical Force, § 87(2)(g)**). PO McDermott yelled, “You keep fucking moving. Fucking comply, bro,” to § 87(2)(b) (**Allegation W, Discourtesy: Word, § 87(2)(g)**). PO Zweifler allegedly tore § 87(2)(b) pants while removing his belt (**Allegation X, Abuse of Authority: Property Damaged, § 87(2)(g)**).

§ 87(2)(g), § 87(4-b)

Police Officer Patrick Reilly of the 79th Precinct was present during this incident and interviewed in regard. He did not witness any of the allegations (**BR 01**).

§ 87(2)(b) was arrested for resisting arrest, obstructing governmental administration, disorderly conduct, and unlawful possession of marijuana in the second degree (**BR 02**) § 87(2)(b)

The investigation received body-worn camera (BWC) footage regarding this incident (**BR 06-15**), the relevant aspects of which shall be discussed below.

Findings and Recommendations

Allegation (A) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin stopped individuals.

Allegation (B) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin stopped § 87(2)(b)

§ 87(2)(b) (**BR 16-17**) said that at approximately 11:45 p.m. on March 14, 2020, he and several friends, including § 87(2)(b) had just returned from a casino. § 87(2)(b) and § 87(2)(b)

and had been driven back in a Nissan sedan – the sedan parked in front of § 87(2)(b) in Brooklyn, § 87(2)(b) home address. The driver of the Nissan parked the car and turned it off near a fire hydrant. § 87(2)(b) exited the vehicle and walked onto the sidewalk of Willoughby Avenue; as he did so, § 87(2)(b) saw an unmarked car pull up behind the Nissan. Plainclothes officers exited the car and approached the Nissan.

§ 87(2)(b) who was one of the occupants of the vehicle, corroborated (BR 18) that the car was parked in front of a fire hydrant. § 87(2)(b) and his friends were talking inside the car.

These allegations have been pled to Lieutenant Daverin as he was the highest-ranking officer in the unit which conducted the car stop.

In his CCRB interview, Lieutenant Daverin (BR 19) said that he and his officers, PO Zorrilla and PO Zweifler, were patrolling when they saw a sedan illegally parked in the vicinity of § 87(2)(b). Lieutenant Daverin did not recall the specific parking infraction.

In his CCRB interview, PO Zorrilla (BR 20) said that he was the operator of the vehicle – he saw a vehicle parked by a fire hydrant in the vicinity of § 87(2)(b).

Per PO Zorrilla's BWC (BR 07), between the 00:55 and 01:05 timestamps, PO Zorrilla approaches a white Nissan parked in front of a fire hydrant.

Because § 87(2)(b) was outside the parked car and the stop regarded the parking infraction, the investigation did not plead a stop allegation for § 87(2)(b).

Per the Old Farmer's Almanac (BR 21) on March 14, 2020, the sun set at 7:02 p.m. in Brooklyn.

Per Section 4-08 of the New York City Department of Transportation's Traffic Rules and Regulations (BR 22), no person shall stop, stand, or park a vehicle within fifteen feet of a fire hydrant from sunset to sunrise.

Officers stopped § 87(2)(b) and the other individuals, all of whom were parked in front of a fire hydrant after sunset. § 87(2)(g)

Allegation (C) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin interfered with § 87(2)(b)'s use of a recording device.

Allegation (D) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Antonio Zorrilla interfered with § 87(2)(b)'s use of a recording device.

Allegation (E) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) said that, as the officers approached the Nissan, § 87(2)(b) began to film on his iPhone XR as he stood by the steps of § 87(2)(b). PO Zorrilla walked up to § 87(2)(b) and told him to stop recording before walking away and approaching the front driver's door. Meanwhile, an officer who § 87(2)(b) described as a 6' white male, stood in front of § 87(2)(b) while PO Zorrilla opened driver's door and questioned the driver. As § 87(2)(b) continued to record, PO Zorrilla returned to § 87(2)(b) standing directly in front of him, and told him to stop recording two more times. § 87(2)(b) asked PO Zorrilla, "What do you mean I cannot record?" and continued recording the incident on his phone. Moments later, additional officers arrived on scene. PO Zorrilla told another officer to handcuff § 87(2)(b) who remained standing in front of the steps of his building. Officers then handcuffed § 87(2)(b) and arrested him.

Per PO Zorrilla's BWC, between the 01:00 and 01:12 timestamps, § 87(2)(b) stands next to the Nissan. PO Zorrilla approaches § 87(2)(b) and tells him to "relax" and "back up" several times. PO Zorrilla then addresses the driver of the vehicle (see Allegation I). PO Zorrilla never tells § 87(2)(b) that he cannot record the incident on his phone.

Per PO Zweifler's BWC (BR 08), between the 01:00 and 01:50 timestamps, PO Zweifler tells § 87(2)(b) to back up several times while § 87(2)(b) holds up his iPhone and points the

camera at the officers. § 87(2)(b) backs up a few steps but begins to walk towards Po Zweifler a few seconds after each command to back up. At 01:50, PO Zweifler says to § 87(2)(b) “I don’t care if you’re recording; I’m recording as well. Back up.” § 87(2)(b) does not back up at this point. PO Zweifler never tells § 87(2)(b) that he cannot record on his phone, nor does PO Zorrilla.

Per Lieutenant Daverin’s BWC, PO Zweifler directs § 87(2)(b) to back up multiple times at the 01:30 and 01:33 timestamps. Each time, § 87(2)(b) backs up only momentarily before again approaching PO Zweifler from behind.

Per Lieutenant Daverin’s BWC, between the 01:45 and 03:15 timestamps, Lieutenant Daverin, PO Zorrilla, and PO Zweifler handcuff § 87(2)(b) (see **Allegations F, G, and H**).

As noted above, § 87(2)(b) was arrested for resisting arrest, obstructing governmental administration, disorderly conduct, and unlawful possession of marijuana in the second degree.

In his CCRB interview, Lieutenant Daverin said that he decided to arrest § 87(2)(b) for obstruction of governmental administration because he had interfered with the officers’ investigation in conducting the car stop by coming very close to officers and refusing to back up. § 87(2)(b) successfully interfered with conducting the car stop because all the vehicle’s occupants excepting the driver fled the scene.

Per Patrol Guide Procedure 203-29 (which specifically addresses when a member of service encounters individuals observing, photographing, or recording police activity)(**BR 23**), an arrest for obstruction of governmental administration requires “actual interference with the performance of an official police function,” which can include “intruding into the physical space necessary to safely perform police operations and refusing to obey an order to move back.” Furthermore, members of service must not “threaten, intimidate, or otherwise discourage an observer from recording the police officer’s activities.”

As shown in PO Zweifler’s BWC, § 87(2)(b) ignored multiple orders to stay back and ultimately obstructed the officers’ attempt to conduct a permissible stop by continuing to walk closer to the officers (see **Allegation A and B**), leading to his arrest for obstruction of governmental administration. § 87(2)(g)

Furthermore, no officer ever told § 87(2)(b) that he could not record the incident on his phone. § 87(2)(g)

Allegation (F) Force: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin used physical force against § 87(2)(b)

Allegation (G) Force: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Antonio Zorrilla used physical force against § 87(2)(b)

Allegation (H) Force: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler used physical force against § 87(2)(b)

§ 87(2)(b) said that when officers approached him to handcuff him, he put both his hands in the air. In response, an officer grabbed § 87(2)(b) right hand to handcuff it. The officer then grabbed § 87(2)(b) left hand, which § 87(2)(b) held in the air to continue recording, and pulled the left hand down to handcuff it. The officer said that § 87(2)(b) was resisting.

As captured in PO Zweifler’s BWC between the 02:00 and 03:00 timestamps, § 87(2)(b) holds up his iPhone in his right hand while PO Zorrilla, PO Zweifler, and moments later Lieutenant Daverin try to handcuff § 87(2)(b). The officers turn § 87(2)(b) around to face towards the half-stair that abuts § 87(2)(b). The officers then try to grab § 87(2)(b) hands – PO Zorrilla handcuffs § 87(2)(b) left hand but nearly a minute passes before officers can handcuff § 87(2)(b) right hand in which § 87(2)(b) held his phone. The officers struggle to get control of § 87(2)(b) right arm – the officers say that § 87(2)(b) is resisting while § 87(2)(b) apparently tenses the right arm. Eventually, though, the officers handcuff § 87(2)(b) right hand.

In his CCRB interview, Lieutenant Daverin said that § 87(2)(b) was charged with resisting arrest because his refusal to give his hands forced officers to spend more than a minute handcuffing him.

Per Patrol Guide Procedure 221-01 (BR 24), members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

§ 87(2)(g)

Allegation (I) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Antonio Zorrilla searched an individual.

This allegation stems from PO Zorrilla's BWC between the 01:00 and 01:50 timestamps. Therein, PO Zorrilla approaches the Nissan. There are four occupants inside the vehicle. There is no apparent smoke emanating from the vehicle and it is not apparent that any of the occupants are smoking anything. PO Zorrilla directs the person in the Nissan's driver's seat, a black female, to exit the vehicle. PO Zorrilla tells, the driver, "the car smells like weed, man." Once the driver does so, PO Zorrilla immediately puts his hands in the front pockets of the driver's zip-up jacket and the front pockets of her pants. PO Zorrilla does not apparently recover anything, and thereafter he directs the driver to sit back down in the vehicle.

§ 87(2)(b) said that no one was smoking marijuana and that the Nissan did not smell of marijuana. § 87(2)(b) did not know the name of the driver of the vehicle.

§ 87(2)(b) said that no one in the Nissan had any drugs or weapons on their persons at the time of this incident.

Neither § 87(2)(b) nor § 87(2)(b) provided any contact information for the driver, and as such, the investigation was unable to identify and interview the driver.

In his CCRB interview, PO Zorrilla said that, upon exiting his police vehicle, he approached the driver of the Nissan, who was still seated in the car. PO Zorrilla saw smoke inside the vehicle as if the vehicle's occupants had just finished smoking. This smoke smelled of marijuana. PO Zorrilla did not remember any of his conversation with the driver. PO Zorrilla told the driver to step out of the vehicle because of the smell of marijuana. PO Zorrilla did not remember the interaction he had with the driver once the driver complied and stepped out of the vehicle. PO Zorrilla frisked the driver for contraband (specifically marijuana) and weapons. PO Zorrilla did not remember if the driver had any bulges on their person that could have concealed a weapon. PO Zorrilla believed that he entered the driver's pockets, though he did not remember which pockets. PO Zorrilla did not remember if he recovered anything from the driver.

In his CCRB interview, Lieutenant Daverin said that when he exited his vehicle, he immediately smelled a strong odor of marijuana. Lieutenant Daverin said that it smelled like the occupants of the Nissan were smoking marijuana at the time. Lieutenant Daverin did not remember if there was visible smoke in the vicinity of the sedan.

In his CCRB interview, PO Zweifler said (BR 25) that either PO Zorrilla or Lieutenant Daverin had smelled an odor of marijuana coming from the vehicle. PO Zweifler did not know when they smelled the marijuana and PO Zweifler did not know if they detected the smell of burnt or unburnt marijuana.

As will be further discussed in **Allegation L**, PO Zorrilla and PO Zweifler later search the Nissan. No marijuana is apparently recovered from the vehicle during that search.

Per People v. Chestnut, 36 N.Y.2d 971 (BR 26), the odor of marijuana emanating from a defendant's vehicle provides officers with probable cause to search the vehicle and its occupants.

On the date of this incident – March 14, 2020 – the recreational use of marijuana remained illegal in the State of New York.

§ 87(2)(g)

Allegation (J) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler refused to provide his name to § 87(2)(b)

This allegation stems from PO Zweifler's BWC between the 04:30 and 05:25 timestamps. Therein, PO Zweifler places a handcuffed § 87(2)(b) in the backseat of an unmarked Chevrolet Impala. While he is placed inside the car, § 87(2)(b) asks PO Zweifler eight times for PO Zweifler's name. PO Zweifler does not ever respond to § 87(2)(b) question and instead directs § 87(2)(b) to put his feet inside the Chevy. PO Zweifler then pushes § 87(2)(b) feet inside the Chevy and closes the door.

PO Zweifler did not independently recall if § 87(2)(b) asked him for his name. Upon reviewing his BWC, PO Zweifler said that he did not remember why he did not provide § 87(2)(b) with his name.

Per Patrol Guide Procedure 203-09 (BR 27), all members of service are to state their name courteously and clearly to anyone who requests them to do so.

BWC footage confirmed that PO Zweifler did not provide his name despite multiple requests from § 87(2)(b). This violates Patrol Guide Procedure 203-09. § 87(2)(g)

Allegation (K) Force: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Police Officer Michael Zweifler used physical force against § 87(2)(b)

Per PO Zweifler's BWC at the 04:15 timestamp, PO Zorrilla and PO Zweifler place § 87(2)(b) in the rear passenger-side seat of an unmarked car. PO Zweifler directs § 87(2)(b) multiple times to put his legs inside the car. § 87(2)(b) does not move his legs. At the 05:08 timestamp, as § 87(2)(b) sits in the vehicle, PO Zweifler pushes § 87(2)(b) legs and feet into the cabin of the vehicle before closing the rear passenger-side door.

PO Zweifler did not address this part of the incident during his CCRB interview.

Per Patrol Guide Procedure 221-01, members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

Furthermore, per Patrol Guide Procedure 221-01, members of service shall not use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape, or to overcome active physical resistance or assault.

PO Zweifler pushed § 87(2)(b) feet in order to close a car door. § 87(2)(g)

Allegation (L) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Lieutenant Henry Daverin searched the vehicle in which § 87(2)(b) and

individuals were occupants.

This allegation stems from PO Zorrilla's and PO Zweifler's BWC: it is pleaded to Lieutenant Daverin as he was the supervisor on-scene.

Per PO Zorrilla's BWC, between the 07:58 and 10:00 timestamps, PO Zorrilla searches the Nissan. PO Zorrilla searches through the center console, the area around the driver's seat, the area around the passenger seat, and the rear bench. PO Zorrilla does not apparently recover anything.

Per PO Zweifler's BWC, between the 06:38 and 08:30 timestamps, PO Zweifler searches the area around the driver's seat, the center console, the glove compartment, the rear bench, the pockets on the rear of the front bucket seats, and underneath the driver's seat. PO Zweifler does not apparently recover anything.

In his CCRB interview, PO Zorrilla said that he searched the Nissan for contraband and did not recall if he recovered anything from the vehicle.

In his CCRB interview, PO Zweifler said he searched the vehicle because either PO Zorrilla or Lieutenant Daverin had smelled marijuana in the vehicle. PO Zweifler believed that he did not recover anything from the vehicle.

In his CCRB interview, Lieutenant Daverin said that the entire Nissan was searched given the odor of marijuana – he did not believe that anything was recovered as the driver only received a parking summons.

Per *People v. Chestnut*, 36 N.Y.2d 971, the odor of marijuana emanating from a defendant's vehicle provides officers with probable cause to search the vehicle and its occupants.

On the date of this incident – March 14, 2020 – the recreational use of marijuana remained illegal in the State of New York.

§ 87(2)(g)

Allegation (M) Abuse of Authority: On March 14, 2020, in front of § 87(2)(b) in Brooklyn, Sergeant Frederick Manney threatened an individual with the use of force.

This allegation stems from Sgt. Manney's BWC (BR 09) between the 04:15 and 06:30 timestamps. Sgt. Manney is talking with the driver of the vehicle when an unknown individual standing approximately 30 feet away begins to yell at the officers, "Suck my dick!" Sgt. Manney turns around to approach the individual; the individual begins walking up the front stoop of § 87(2)(b). While walking towards the individual, Sgt. Manney says, "Come here, let's have a conversation." The individual continues to yell variations of, "Suck my dick" as he walks into the building. Sgt. Manney says, repeatedly, "As you run into the house" while the individual unlocks his front door, closes it, and walks into the entry hallway of the building. While the individual stood in the entry hallway of the § 87(2)(b) Sgt. Manney takes a phone from PO Zorrilla and pretends to take photographs of the individual on the phone – however, the screen of the phone shows that Sgt. Manney remains on the locked home screen. Once the individual walks out of view, Sgt. Manney knocks on the front door and rings the intercom for all four apartments in the building. After waiting for approximately 30 seconds without any response from any of the apartments, Sgt. Manney says, "I'll stand down here all night." Sgt. Manney walks away within seconds. As Sgt. Manney walks away from the building, the individual evidently yells something at Sgt. Manney. At the 06:22 timestamp, Sgt. Manney twice yells back, "Then come back out!"

In his CCRB interview, Sgt. Manney said (BR 28) that he noticed this individual because he came to the scene and began to curse at Sgt. Manney. At one point, Sgt. Manney said to the individual, "Let's talk. Let's have a conversation. Let's talk about why you're so upset. Stop telling me to 's on your d' and let's really have a conversation. Let's talk." The individual ran away into a

residential building. Sgt. Manney followed him to the building and tried to get access to the building but was unsuccessful. The individual yelled at Sgt. Manney from inside the building. Sgt. Manney said that the individual could have been arrested due his comments (disorderly conduct) or by interfering with police officers (obstruction of governmental administration); however, Sgt. Manney never intended to arrest the individual. Sgt. Manney noted that he gained perspective in doing things in life before becoming a police officer; Sgt. Manney said that he was not going to ruin a person's life by arresting them or writing a c-summons when talking sense to them is a viable alternative. Sgt. Manney noted, however, was not willing to be intimidated by anyone.

Per Penal Law 195.05 (BR 29), a person is guilty of obstruction of governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act.

Per People v. Fassinger 42 Misc. 3d 407 (BR 30), isolated statements using coarse language to criticize the actions of a police officer, unaccompanied by provocative acts or other aggravating circumstances, will rarely afford a sufficient basis to infer the presence of public harm: the presence of public harm is necessary to support a charge of disorderly conduct.

Per Penal Law 240.20 (BR 31), a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance, or alarm, he makes unreasonable noise or uses abusive or obscene language or gestures in a public place.

Per Patrol Guide Procedure 221-01, members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

Sgt. Manney said that he attempted to start a dialogue with the individual. However, the BWC footage showed him yelling at and trailing the individual as he entered his building, ringing every apartment in the building, yelling from the front door that "I'll stand here all night," and yelling from the street "Come back out!" to the individual and pretending to take a photo of him. The investigation determined that the totality of these actions and statements – with particular attention to his yelling at the individual to "come here" and yelling "Come back out!" – was an attempt by Sgt. Manney to intimidate the individual by implicitly inviting a physical confrontation.

To address Sgt. Manney's claims that the individual was subject to arrest: per Penal Law 195.05 and People v. Fassinger, the action of the individual – yelling a vulgar statement towards a police officer from a distance – did not constitute obstruction of governmental administration or disorderly conduct as there was no physical interference or intimidation or public alarm.

Given the individual was not committing any crime, the investigation must analyze the facts on the merits of what Sgt. Manney's actions conveyed. Sgt. Manney's actions and statements, contrary to his claim, did not constitute a good-faith attempt to strike a conversation with an agitated passerby; but rather, Sgt. Manney's actions and statements constituted an invitation to fight, an unnecessary and potentially dangerous escalation of a previously nonthreatening situation.

§ 87(2)(g)

Allegation (N) Discourtesy: On March 15, 2020, at the 79th Precinct stationhouse, Lieutenant Henry Daverin spoke discourteously to § 87(2)(b)

Per Lieutenant Daverin's BWC (**BR 06**), between the 16:25 and 16:50 timestamps, Lieutenant Daverin stands a handcuffed § 87(2)(b) up at the desk and searches him with PO

Zweifler. At 16:41, Lieutenant Daverin says to § 87(2)(b) “You want to do this shit all fucking night?” as § 87(2)(b) stiffens his arms.

In his CCRB interview, Lieutenant Daverin said that he made the statement, “Do you want to do this shit all fucking night?” in response to § 87(2)(b) flexing his arms and his continuous attempts to prevent officers from searching his body. Since § 87(2)(b) was going to be searched regardless of what actions he took, Lieutenant Daverin said it to emphasize the futility of § 87(2)(b) resistance.

Per DAO-DCT Disciplinary Case No. 2013-10143 (BR 32), while officers are held to a high standard of conduct, traditional rules of etiquette, including the prohibition of the use of profanity, cannot be applied to stressful enforcement situations.

Per the NYPD’s stated values elucidated in Patrol Guide Procedure 200-02 (BR 33), all members of service pledge to “maintain a higher standard of integrity than is generally expected of others” and to “respect the dignity of each individual and render services with courtesy and civility.”

Lieutenant Daverin used profanity in a routine, non-dangerous situation – standing up a prisoner in front of the main desk of a precinct stationhouse to be searched. Furthermore, Lieutenant Daverin’s statement – “You want to do this shit all fucking night?” § 87(2)(g)

§ 87(2)(g)

Allegation (O) Discourtesy: On March 15, 2020, at the 79th Precinct stationhouse, Sergeant Frederick Manney spoke discourteously to § 87(2)(b)

Allegation (P) Abuse of Authority: On March 15, 2020, at the 79th Precinct stationhouse, Sergeant Frederick Manney threatened § 87(2)(b) with the use of force.

This allegation stems from Sgt. Manney’s BWC (BR 08) between the 13:40 and 16:50 timestamps. As a rear-handcuffed § 87(2)(b) walks into the 79th Precinct stationhouse ahead of Sgt. Manney, § 87(2)(b) says, “They locked me up for no reason.” Sgt. Manney responds, “Ah, you were crying in the car, crying in the car. Now he’s in front of his boy and we’re talking. Stop. You weren’t acting like this in the car.” The conversation continues for a few seconds, and Sgt. Manney says to § 87(2)(b) “You weren’t being a pretender in the car and now you get here and you’re pretending in front of your friend, alright? Alright, pretender. In the car, wailing and weeping noises, and now all of a sudden you get in front of your boy, and you’re the toughest guy in the precinct.” § 87(2)(b) responds, “I am tough, I’m like that.” Sgt. Manney then laughs at § 87(2)(b) before saying, “Listen, you ain’t built for this, alright.” § 87(2)(b) disputes this, so Sgt. Manney says several more times, “You ain’t built for this.” Sgt. Manney then says, “We’ll see what’s what. We’ll see.” § 87(2)(b) says, “Alright,” in response with no change in body movement. Sgt. Manney then says to § 87(2)(b) “Are you threatening me?” five times. § 87(2)(b) replies, “You threatened me, what are you talking about.” Sgt. Manney replies, “You just said that you’re tough. I take that as a threat, so are you threatening me? Are you threatening me?” § 87(2)(b) puts his head down and replies, “Keep talking.”

The conversation continues. At 15:15, as § 87(2)(b) approaches the main desk to be processed, Sgt. Manney says in a sarcastic tone to § 87(2)(b) “You’re the toughest guy in the house.” § 87(2)(b) says, “I am tough.” Sgt. Manney replies, “Just stop. Better men have tried.” § 87(2)(b) retorts, “You’ve got a badge on, are you tough because you’ve got a badge on?” Sgt. Manney places his shield on the counter of the main desk and says, “It’s right there, bro. You want a shot at the title, let me know, man.” § 87(2)(b) mumbles something inaudible before saying, “I mean, you could pull up to my block.” Sgt. Manney then says, “Now I gotta go to the block.” § 87(2)(b) repeats, “You could pull up to my block” six times while Sgt. Manney tells § 87(2)(b) to “be the person you were being in the car” before asking, “Where’s your block?” § 87(2)(b) replies, “New Lots.” Sgt. Manney, emphatically now, says, “Whoa! East New York?” § 87(2)(b)

confirms, “East New York.” Sgt. Manney then exclaims, “Oh-ho-ho!” for six seconds while PO Zweifler laughs at § 87(2)(b) to his face. Sgt. Manney then says, “§ 87(2)(b) and what, man? § 87(2)(b) and what?” § 87(2)(b) replies, § 87(2)(b) Sgt. Manney, adopting a deeper voice, says, § 87(2)(b) Whoa! § 87(2)(b) Lieutenant Daverin joins in, saying, § 87(2)(b) ain’t from § 87(2)(b) Folks from § 87(2)(b) don’t act like this; I’ve been to § 87(2)(b) plenty of times. They don’t act like this. I’ve never seen tears come down so fast in my life.” § 87(2)(b) replies, “Crying what? What you talking about? I got allergies.” Lieutenant Daverin and Sergeant Akil Guy of the 79th Precinct then laugh at § 87(2)(b)’s remark. Sgt. Manney remarks, “You’re not built for § 87(2)(b). You’re not built for § 87(2)(b). You’re not built for § 87(2)(b).” § 87(2)(b) voice becomes audible in the background at approximately 16:50, screaming for EMS. Sgt. Manney turns his attention away from § 87(2)(b) and approaches the holding cells in the rear of the stationhouse at approximately 16:50.

In his CCRB interview, Sgt. Manney said that § 87(2)(b) tried to intimidate him and other officers with his remarks listed above. Sgt. Manney particularly noted that § 87(2)(b) claimed he was from East New York; Sgt. Manney said that folks, especially folks who are in gangs, may say they’re from East New York because it is a dangerous neighborhood; to say that one if from East New York is often an intimidation tactic, Sgt. Manney said. Sgt. Manney told the CCRB he said to § 87(2)(b) “Hey bro, stop pretending to be someone that you’re not. Because you were in the car and you were very upset that you were taken into custody, and now that you’re in front of your friend, § 87(2)(b) who is a big bad verified G-Stone Crip gang member, and now the attitude changes. Be the person you were being in the car.”

§ 87(2)(b)

Per the NYPD’s stated values elucidated in Patrol Guide Procedure 200-02, all members of service pledge to “maintain a higher standard of integrity than is generally expected of others” and to “respect the dignity of each individual and render [their] services with courtesy and civility.”

As shown above, Sgt. Manney spent more than three minutes belittling, challenging, and mocking § 87(2)(b) in front of the main desk at the 79th Precinct. Sgt. Manney’s statements were inherently discourteous as they served only to disparage § 87(2)(b) in front of other officers § 87(2)(g)

Per Patrol Guide Procedure 221-01, members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject’s violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

A reasonable person would interpret Sgt. Manney’s statements and actions to § 87(2)(b) “Better men have tried,” placing his shield on the desk and saying, “It’s right there, bro. You want a shot at the title, let me know, man” as an invitation to fight. § 87(2)(g)

§ 87(2)(g)

Allegation (Q) Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Daniel McDermott used physical force against § 87(2)(b)

Allegation (R) Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Antonio Zorrilla used physical force against § 87(2)(b)

Allegation (S) Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Michael Zweifler used physical force against § 87(2)(b)

Allegation (T) Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Daniel McDermott used physical force against § 87(2)(b)

Allegation (U) Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Antonio Zorrilla used physical force against § 87(2)(b)

Allegation (V) Force: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Michael Zweifler used physical force against § 87(2)(b)

Allegation (W) Discourtesy: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Daniel McDermott spoke discourteously to § 87(2)(b)

Allegation (X) Abuse of Authority: On March 15, 2020, at the 79th Precinct stationhouse, Police Officer Michael Zweifler damaged § 87(2)(b) s property.

§ 87(2)(b) said that, once at the 79th Precinct stationhouse, was brought to a holding cell at the rear of the stationhouse. PO Zweifler ripped off § 87(2)(b) pants belt. In pulling off the belt, PO Zweifler ripped the belt loops of § 87(2)(b) pants, and created a rip beginning at the waist on § 87(2)(b) left side and extending through the thigh to below the crotch area. Officers then directed § 87(2)(b) inside the cell and told him to sit down. § 87(2)(b) then lied down on the holding cell bench, facing the wall while on his side. PO Zweifler then punched § 87(2)(b) in the ribs three times. Thereafter, additional officers came in – although § 87(2)(b) could not see them given his positioning – and kicked § 87(2)(b) in the back and feet four times over approximately 3-4 seconds. In response, § 87(2)(b) tried to curl up into a ball to protect himself and began to scream for EMS. Officers then pulled him out of the holding cell.

§ 87(2)(b) also said that officers later brought him to a hospital for medical treatment; as such, an allegation of failure to provide medical treatment was not pleaded regarding this complaint.

In his CCRB interview, PO Zorrilla said that he walked § 87(2)(b) back to a holding cell. PO Zorrilla did not remember the demeanor of § 87(2)(b) at the stationhouse. § 87(2)(b) said something to PO Zorrilla as they walked back to the holding cell, but PO Zorrilla did not remember what § 87(2)(b) said. Whatever § 87(2)(b) said, PO Zorrilla did not take § 87(2)(b) out of his handcuffs because of what he said. Because § 87(2)(b) was still handcuffed, PO Zorrilla started to take off § 87(2)(b) belt and shoelaces. § 87(2)(b) refused to allow PO Zorrilla to do these things; § 87(2)(b) kicked and threw himself on the bench and floor. § 87(2)(b) moved his feet around and twisted his body to evade officers. Additional officers came to assist PO Zorrilla in removing the belt and shoelaces, as well as search § 87(2)(b). PO Zorrilla did not remember if he or any officers ever kicked or punched § 87(2)(b). PO Zorrilla removed the belt and shoelaces from § 87(2)(b) person. PO Zorrilla did not know if § 87(2)(b) pants ripped while PO Zorrilla took off the belt.

In his CCRB interview, PO Zweifler said that, upon placement in the prisoner cells, § 87(2)(b) made statements threatening aggression to PO Zorrilla – PO Zweifler learned this from PO Zorrilla. PO Zorrilla did not feel safe removing § 87(2)(b) handcuffs alone, and thus PO Zweifler assisted him in placing § 87(2)(b) in the cell. PO Zweifler said that § 87(2)(b) kicked his legs out while officers tried to search him. § 87(2)(b) did not kick PO Zweifler but PO Zweifler did not know if § 87(2)(b) kicked anyone else. PO Zweifler removed § 87(2)(b) socks – PO Zweifler did not recall any other actions he took. PO Zweifler did not recall if he saw an officer rip off § 87(2)(b) belt and cause damage to § 87(2)(b) pants. PO Zweifler did not remember if he took off § 87(2)(b) belt. PO Zweifler did not recall seeing any tears to § 87(2)(b) pants. PO Zweifler did not punch § 87(2)(b) three times in the ribs, nor did he see any other officer do so. PO Zweifler never kicked § 87(2)(b) nor did he see any other officer do so.

Per PO Zorrilla's BWC, between the 20:00 and 22:40 timestamps, PO Zorrilla walks § 87(2)(b) to a holding cell with PO McDermott. PO Zorrilla attempts to remove § 87(2)(b) belt and is unsuccessful. § 87(2)(b) says to PO Zorrilla, "I hope you have that vest off when I see you, bro. I hope you have that vest off when I see you. I just want to see you in person." PO Zorrilla walks § 87(2)(b) into a holding cell at 21:15 with PO McDermott. At this point, § 87(2)(b) starts

yelling for EMS. Neither PO Zorrilla nor PO McDermott have used any force to this point, and § 87(2)(b) has not previously requested EMS. PO Zorrilla sits § 87(2)(b) down on the bench in the cell and unsuccessfully attempts to remove § 87(2)(b) shoes; § 87(2)(b) kicks his legs out before retracting them. PO Zorrilla then unsuccessfully attempts to remove § 87(2)(b) belt again; § 87(2)(b) moves his hips and torso in response. § 87(2)(b) continues to scream for EMS. At 21:55, PO Zweifler and Sgt. Manney enter the holding cell. § 87(2)(b) at first sits on a bench facing the officers; at 22:00, a combination of PO McDermott, PO Zorrilla, and PO Zweifler turn § 87(2)(b) over so that his knees are on the ground, that his body faces towards the bench on which he was previously sitting, and that his torso is parallel to the ground. It is unclear from PO Zorrilla's BWC what specific actions officers take to reposition § 87(2)(b) though no punches or kicks are captured on BWC. Also, it is unclear if § 87(2)(b) attempts to actively resist the officers. PO Zorrilla then searches § 87(2)(b) coat while § 87(2)(b) continues to scream for EMS.

Per § 87(2)(b) CCRB statements and his arraignment sheet, officers brought § 87(2)(b) to § 87(2)(b) shortly thereafter. As such, the investigation did not plead a refusal to obtain medical attention allegation.

Per PO Zweifler's BWC, between the 21:55 and 22:35 timestamps, PO Zweifler enters the holding cell where PO Zorrilla and PO McDermott are with § 87(2)(b). PO Zweifler takes off § 87(2)(b) shoes. § 87(2)(b) at first sits on a bench facing PO Zweifler; officers, including PO Zweifler, reposition § 87(2)(b) with his knees to the ground, head facing the bench, torso parallel to the floor. It is unclear from PO Zweifler's BWC what specific actions officers take to reposition § 87(2)(b) though no kicks or punches are captured on the BWC. Also, it is unclear if § 87(2)(b) attempts to actively resist the officers. PO McDermott, at the 22:07 timestamp, yells, "You keep fucking moving. Fucking comply, bro?" At the 22:10 timestamp, PO Zweifler removes § 87(2)(b) belt by forcefully pulling it. It is not apparent if there is any damage to § 87(2)(b) pants resultant of the belt's removal.

Sgt. Manney's BWC (**BR 14**) does not capture § 87(2)(b) repositioning, as he was walking out of the cell to retrieve leg shackles.

A request for BWC from PO McDermott returned negative results (**BR 35**).

PO McDermott resigned from the NYPD as of June 18, 2021 (**BR 36**).

Per Patrol Guide Procedure 221-01, members of service must consider the following criteria regarding the reasonable use of force: the nature and severity of the crime/circumstances; actions taken by the subject; duration of the action; immediacy of the perceived threat or harm to the subject, and/or bystanders; whether the subject is actively resisting custody; whether the subject is attempting to evade arrest by flight; number of subjects in comparison to the MOS; subject's violent history, if known; presence of hostile crowd or agitators; subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

Furthermore, per Patrol Guide Procedure 221-01, members of service shall not use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape, or to overcome active physical resistance or assault.

Per Patrol Guide Procedure 208-03 (**BR 37**), officers must remove all belts from prisoners.

§ 87(2)(g)

§ 87(2)(g)

It is evident, however, PO McDermott, PO Zorrilla, and PO Zweifler all moved § 87(2)(b) from a seated position on a bench to a position where his knees were on the ground and his torso was parallel to the floor. BWC did not clearly depict the actions the officers took to reposition § 87(2)(b). BWC also did not clearly depict whether § 87(2)(b) was actively resisting officers. In

short, it is evident that PO McDermott, PO Zorrilla, and PO Zweifler used force to reposition § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Furthermore, while it was not clear from the video whether § 87(2)(b) actively physically resisted the officers, PO Zorrilla's BWC showed that § 87(2)(b) did not cooperate with officers removing his belt for more than a minute, requiring PO Zweifler to remove it in a way that may have resulted in some incidental damage to § 87(2)(b) pants § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (BR 39).
- This is the first complaint to which § 87(2)(b) has been a party (BR 40).
- Lieutenant Daverin has been a member of service for 13 years and has been subject in 34 CCRB cases and 126 allegations, 14 of which have been substantiated.
 - 201502623 involved substantiated allegations of frisk, refusal to provide name/shield number, and a vehicle search. The Board recommended and the NYPD imposed Command Discipline A.
 - § 87(2)(g), § 87(4-b)
 - 201604699 involved a substantiated allegation of premises entered and/or searched. The Board recommended Command Discipline B and the NYPD imposed no penalty. § 87(2)(g), § 87(4-b)
 - § 87(2)(g), § 87(4-b)
 - § 87(2)(g), § 87(4-b)

- § 87(2)(g), § 87(4-b)
- 201911006 involved substantiated allegations of a frisk, two stops, and discourtesy – word. The Board recommended Command Discipline B and the NYPD’s imposed penalty is not yet updated in the CTS+ database.
- Sgt. Manney has been a member of service for 10 years and has been a subject in 14 CCRB cases and 48 allegations, seven of which were substantiated or cited.
 - 201903851 involved substantiated allegations of failure to provide RTKA card and two allegations of search of premises. The Board recommended charges and the NYPD’s imposed penalty is not yet updated in the CTS+ database. § 87(2)(g), § 87(4-b)
 - 201907401 involved substantiated allegations of entry of premises and search of premises. The Board recommended charges and the NYPD’s imposed penalty is not yet updated in the CTS+ database.
 - § 87(2)(g)
- PO Zorrilla has been a member of service for five years and has been a subject in 10 CCRB cases and 34 allegations, one of which was substantiated.
 - 201907037 involved a substantiated allegation of discourtesy – word. The Board recommended Command Discipline A and the NYPD’s imposed penalty is not yet updated in the CTS+ database.
- PO Zweifler has been a member of service for five years and has been a subject in five CCRB cases and 10 allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- As of September 24, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (**BR 41**).
- § 87(2)(b)
- § 87(2)(b)

Squad: 10

Investigator: <u>Ethan C. Waterman</u>	Inv. <u>Ethan Waterman</u>	01/28/2022
Signature	Print Title & Name	Date

Squad Leader: <u>Eric Rigie</u>	IM <u>Eric Rigie</u>	1/31/2022
Signature	Print Title & Name	Date

Reviewer:

Signature

Print Title & Name

Date